

## **REMARKS**

### **Introduction**

Claims 1-17, 19-23, 25-74, and 77-98 are pending in the present application. In view of the following remarks, it is respectfully submitted that claims 1-17, 19-23, 25-74, and 77-98 are allowable. Reconsideration of the present application is requested.

### **Rejection of Claims 1-17, 19-23, 25-74 and 77-98 under 35 U.S.C. § 103(a)**

Claims 1-17, 19-23, 25-74, and 77-98 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,657,647 to Bright ("Bright") in view of U.S. Patent No. 6,331,861 to Gever et al. ("Gever"). Applicants respectfully submit that this rejection should be withdrawn in view of the following remarks.

The pending independent claims of the present application (1, 17, 20, 23, 31, 47, 52, 62, 66, 77, 83, 84, 85, 93, 94, 95, 96 and 97) each contain features directed to creating an overlay plane or layer including an object to be displayed, and displaying that object by overlaying the plane or layer in the window. As described on page 8 of the specification, "according to the present invention, overlaying is a drawing technique where objects are overlaid with a background resulting in a final presentation where the objects and background appear to be integrated." Thus, for an object to be overlaid in a application window in accordance with the pending claims, there must be both an overlay plane or layer containing the object and a background window or layer for the overlaid object to appear integrated with. As discussed below, neither Bright or Gever describe an overlay plane that integrates with a background window.

The Bright reference describes a method and system for rendering the text and graphics in an Internet webpage in a particular order. Bright describes identifying the location of a user's cursor on the screen and rendering first the text and graphic objects closest to the location of the cursor (see, e.g., 2:17-26). Applicants respectfully disagree with the Examiner's argument that Bright describes "creating an overlay plane including the object". The section of Bright referenced by the Examiner in support of this statement (4:11-21) does not describe creating and rendering an overlay plane but

rather describes an “object model representation” of the webpage to be rendered. The only use of the word overlay in the Bright reference is in column 3, line 18, but this reference is to a graphic hypertext link, not the overlay plane of the present application. That this is only referring to a graphic hypertext link is confirmed by the HTML code shown below column 4. Bright thus describes only a background window and does not describe a separate plane or layer that overlays the background. The invention recited in the pending claims could overlay a background (like that described in Bright) with an object in an additional plane or layer, but Bright does not describe such an overlaying plane or layer.

The Gever reference describes a system for superimposing a 3D object or 3D character on a display using a particular technique referred to as “Transparent 3D” (see, generally, 21:39-23:20). As described in Gever, this Transparent 3D technique involves rendering the object as a bitmap, creating a “mask” based on the pixels occupied by the image of the object, defining a window by the mask, and drawing a window containing the image of the object on the screen above the other windows (see 22:19-45).

In contrast to Bright and Gever, the pending independent claims of the present application (1, 17, 20, 23, 31, 47, 52, 62, 66, 77, 83, 84, 85, 93, 94, 95, 96 and 97) each contain features directed to creating an overlay plane or layer including an object to be displayed, and displaying that object by overlaying the plane or layer in the window. Bright does not teach overlaying a background with an object in an additional plane or layer at all. While Gever describes superimposing an image of an object over the other windows on the screen, the technique of Gever creates an entirely separate window to do so. In contrast, the pending independent claims of the present application specifically recite that the overlaying occurs “in the window” of the software application being overlaid, not in a separate window created just for the overlaid object.

Thus, for at least the above-discussed reasons, the pending independent claims of the present application are allowable over the combination of Bright and Gever. All of the remaining pending claims are dependent on the independent claims, thus they are allowable for at least the reasons that the independent claims are allowable.

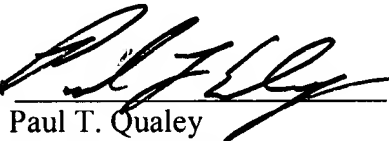
**Conclusion**

Applicants respectfully submit that all pending claims of the present application are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

The Office is authorized to charge any fees associated with this response to Kenyon & Kenyon LLP Deposit Account No. 11-0600.

Respectfully submitted,

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